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08 UNITED STATES DISTRICT COURT  
09 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 UNITED STATES OF AMERICA, ) Case No. 05-267M  
12 )  
13 Plaintiff, )  
14 ) ORDER DENYING  
15 v. ) STIPULATED MOTION  
16 ) TO EXTEND TIME  
17 ARBEY RIVERA-GUILLEN, )  
18 )  
19 Defendant. )  
20 \_\_\_\_\_ )


21 On June 28, 2005, the parties to the above-captioned matter filed a Stipulated Motion  
22 to Extend Time to File Indictment. Dkt. No. 9. The motion argued that granting a  
23 continuance would satisfy the “ends of justice” by providing the parties additional time to  
24 prepare for their case. Dkt. No. 9. In addition, the defendant’s Waiver of Right to a Speedy  
25 Indictment indicates that ongoing plea negotiations are also a reason for the requested  
26 continuance. Dkt. No. 9 (Exhibit).

27 Congress, however, “did not intend the ‘ends of justice’ exclusion to be granted as a  
28 matter of course but rather [intended it] to be used sparingly and only when necessary.”  
29 *United States v. Lewis*, 980 F.2d 555, 560 (9th Cir. 1992) (internal citations omitted). Hence,  
30 an “ends of justice” exclusion may be granted only for a specific duration when “justified by

01 the record with reference to the facts.” *United States v. Ramirez-Cortez*, 213 F.3d 1149, 1154  
02 (9th Cir. 1999) (internal citations and punctuation omitted). Generalized assertions that the  
03 “ends of justice” will be satisfied by the granting of a continuance are insufficient. *Id.* at 1154-  
04 55.

05 Here, the parties have provided no evidence, nor adduced any facts from the record  
06 sufficient to justify granting a continuance. Rather, they have simply alleged, without  
07 explaining in reference to specific facts, that more time would enable them to prepare more  
08 thoroughly. These reasons are insufficient to justify a continuance. Moreover, an ongoing  
09 plea agreement negotiation is not a factor sufficient for this Court to find that granting a  
10 continuance will satisfy the “ends of justice.” *Id.* at 1155-56 (citing *United States v. Perez-*  
11 *Reveles*, 715 F.2d 1348, 1352 (9th Cir. 1983)). The parties’ motion is therefore DENIED.

12 DATED this 28th day of June, 2005.

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15 JAMES P. DONOHUE  
16 United States Magistrate Judge  
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